

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Bail Appl..No. 5764 of 2015

CRIME NO. 904/2015 OF MAVELIKKARA POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER(S)/1ST ACCUSED :

**JOMY FRANCIS, AGED 35 YEARS,
S/O. FRANCIS PADMAVIHAR THEKKUM MURI,
KANNAMANGALAM VILLAGE, FROM CHETTIYASSERIL VEEDU,
ELAKKADU VILLAGE, MARANGATTU CHURCH BHAGAM, KOTTAYAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
MAVELIKARA POLICE STATION, ALAPPUZHA - 690 121.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

B.A.No. 5764 of 2015

Dated this the 25th day of September, 2015

ORDER

The petitioner is the 1st accused in crime no.904/2015 of Mavelikkara Police Station, registered under Section 420 r/w 34 IPC.

2. The petitioner has filed this application under Section 439 Cr.P.C

3. The prosecution allegation is that the petitioner and the other accused made false promise to the de-facto complainant that they would provide a Canadian visa for her husband to go abroad and collected an amount of Rs.1,50,000/- from her. However, the visa as promised was not provided with and the amount collected was also not returned. The petitioner was arrested on 21.08.2015 and ever since he has been in custody.

4. Heard.

5. It has been submitted by the learned Public

Prosecutor that the petitioner is not involved in any other offence of similar nature. It appears from the case diary that the investigation as regards the petition is almost complete. Considering the facts and circumstances of the case, including the period of detention of the petitioner and the stage of the investigation and also taking into consideration of the fact that the petitioner is a first time offender, I am inclined to grant bail to the petitioner.

6. In the result, this bail application stands allowed and the petitioner shall be released on bail on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Court of Judicial Magistrate of First Class-I, Mavelikkara and subject to the following further conditions:

- 1) The petitioner shall report before the investigating officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer in writing to do so.

2) The petitioner shall not get involved in any offence during the pendency of this case.

3) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

sm/